



2026:CGHC:13480

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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 2649 of 2026**

1 - Kiran Krashan D/o Late Shri Hriday Ram Rawte Aged About 35 Years R/o Ward No. 08, Village Bharritola, Post Chipra, Tehsil Dondi, District Balod Chhattisgarh

--- **Petitioner(s)****versus**

1 - State Of Chhattisgarh Through The Secretary, Department Of Energy, Mahanadi Bhawan, Nava Raipur, Atal Nagar Chhattisgarh

2 - Chhattisgarh State Power Distribution Company Limited (C S P D C L) Through Its Managing Director, Raipur Chhattisgarh Vidyut Seva Bhavan, Danganiya, Raipur Chhattisgarh

3 - Executive Engineer (O And M) Division, C S P D C L, Bhanupratappur Chhattisgarh

4 - Superintending Engineer (Circle) C S P D C L, Kanker Chhattisgarh

--- **Respondent(s)**

(cause title is taken from Case Information System)

For Petitioner	: Ms. Ruchi Nagar, Advocate
For Respondents-State	: Mr. Vivek Verma, Govt. Advocate
For Respondents No.2 to 4:	Mr. Mayank Chandrakar, Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order On Board****20/03/2026**

- Petitioner has filed this writ petition aggrieved by the decision of Respondent No. 3 rejecting the claim of petitioner for grant of compassionate appointment vide impugned letter dated 27.03.2025.



2. As per case of petitioner, father of petitioner late Hriday Ram Rawte, who was permanent employee and working as Line Category-I under respondents No.2 to 4, died in harness on 08.06.2022. Petitioner is married daughter of late Hriday Ram Rawte, who married to Devendra Kumar Krashanin in the year 2017 and due to matrimonial discord, she was residing with her father since 2019 and she was fully dependent upon her father. After death of her father, petitioner submitted an application for grant of compassionate appointment on 05.03.2025 in the prescribed format along with relevant documents, which was rejected vide order impugned (Annexuer P-1) observing that her brother namely Arun Kumar is already in Government service working as Assistant Sub-Inspector, therefore according to clause 6 (1) of Circular dated 11.04.2018, petitioner is not entitled for grant of compassionate appointment. Aggrieved by the rejection of her application for grant of compassionate appointment, this writ is filed seeking following reliefs.

“10.1 To issue writ/order/direction of appropriate nature quashing the impugned order communication/letter dated 27.03.2025 (Annexure P-1), since the same is arbitrary and illegal.

10.2 To issue writ/order/direction of appropriate nature commanding the respondent No.2 to 4, to grant compassionate appointment to the petitioner.

10.3 Any other relief or reliefs that may be deemed fit and proper in the facts and circumstances of the case may kindly be granted.



3. Learned counsel for petitioner submits that the action on the part of respondents authorities while rejecting the claim of petitioner for grant of compassionate appointment is arbitrary and erroneous. It is contended the respondent authority failed to appreciate this fact that brother of petitioner is having his own family and is residing separately. It is further contended that father of petitioner was taking care of the petitioner and his mother and other family members and after his death, petitioner and her mother are suffering from financial crises and are unable to maintain themselves.
4. Learned counsel for respondents opposing the submission of learned counsel for petitioner would submit that clause 6 (i) of the Circular is inserted under the policy for grant of compassionate appointment with some purpose. The scheme of compassionate appointment is a social scheme to protect the family members of the deceased employee from sudden financial crisis due to untimely demise of the only bread-winner. There is no error in rejecting the application of petitioner for grant of compassionate appointment because one of her brother is already in Government employment, hence, petitioner is not entitled for grant of compassionate appointment.
5. I have heard learned counsel for the parties and perused the documents placed on record.
6. From perusal of documents available on record would show that father of petitioner died in harness on 08.06.2022 and petitioner thereafter submitted an application for grant of compassionate



appointment on 05.03.2025. Along with the writ petition, petitioner has filed the death certificate and consent letter in form of affidavit of family members. On the date of submission of application, consolidated guidelines/ Circular issued by the State Government in the year 2016 for compassionate appointment was in force. Claim of petitioner was rejected by Respondent No. 3 considering clause 6(1) of the said Guidelines/ Circular, observing that one of the brother of petitioner is already in government job and employed as Assistant Sub-Inspector. Clause 6(1) is extracted below for ready reference.

“परन्तु मृतक शासकीय सेवक के परिवार में यदि पूर्व से ही परिवार का कोई अन्य सदस्य शासकीय सेवा में है, तो परिवार के अन्य किसी भी सदस्य को अनुकम्पा नियुक्ति की पात्रता नहीं होगी।”

7. The Instructions issued by the State Government to provide compassionate appointment to one family member of deceased Government employee with an intent and object to enable them to meet out sudden financial crisis occurred in the family of Government employee, only bread winner who died in harness while working with State Government. Compassionate appointment cannot be claimed as a matter of right. Policy for granting compassionate appointment is to meet out immediate succor, if comes within the criteria as fixed by the State Government in the policy issued in this regard. It is not a mode of employment. Court has to consider whether the order passed on claim of compassionate employment is in accordance with the policy or not. Court cannot rewrite the policy in exercise of the



jurisdiction under Article 226 of Constitution of India. Nothing more is to be read into which is not mentioned specifically in the policy.

8. Hon'ble Supreme Court in case of ***Umesh Kumar Nagpal v. State of Haryana***, reported in **(1994) 4 SCC 138**, has observed thus:

"2. As a rule, appointments in the public services should be made strictly on the basis of open invitation of applications and merit. No other mode of appointment nor any other consideration is permissible. Neither the Governments nor the public authorities are at liberty to follow any other procedure or relax the qualifications laid down by the rules for the post. However, to this general rule which is to be followed strictly in every case, there are some exceptions carved out in the interest of justice and to meet certain contingencies. One such exception is in favour of the dependants of an employee dying in harness and leaving his family in penury and without any means of livelihood. In such cases, out of pure humanitarian consideration taking into consideration the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made in the rules to provide gainful employment to one of the dependants of the deceased who may be eligible for such employment. The whole object of granting compassionate employment is thus to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased." (emphasis added)."

9. In case of ***Director of Education (Secondary) v. Pushpendra Kumar***, reported in **(1998) 5 SCC 192**, Hon'ble Supreme Court while discussing object of compassionate appointment has held as under:-

"8. The object underlying a provision for grant of compassionate employment is to enable the family of the deceased employee to tide over the sudden crisis resulting due to death of the bread-earner which has left the family in penury



and without any means of livelihood. Out of pure humanitarian consideration and having regard to the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made for giving gainful appointment to one of the dependants of the deceased who may be eligible for such appointment."

10. In case of **SAIL v. Madhusudan Das**, reported in **(2008) 15 SCC**

560, Hon'ble Supreme Court held that compassionate appointment is a concession and not a right and the criteria laid down in the rules must be satisfied by all aspirants.

11. In case of **V. Sivamurth v. State of A.P.**, reported in **(2008) 13**

SCC 730, Hon'ble Supreme Court summarized the principles relating to compassionate appointment as follows:-

"18. (a) Compassionate appointment based only on descent is impermissible. Appointments in Public Service should be made strictly on the basis of open invitation of applications and comparative merit, having regard to Articles 14 and 16 of the Constitution of India. Though no other mode of appointment is permissible, appointments on compassionate grounds are a well- recognised exception to the said general rule, carved out in the interest of justice to meet certain contingencies.

(b) Two well recognized contingencies which are carved out as exceptions to the general rule are :

(i) appointment on compassionate grounds to meet the sudden crisis occurring in a family on account of the death of the bread-winner while in service.

(ii) appointment on compassionate ground to meet the crisis in a family on account of medical invalidation of the bread winner.

Another contingency, though less recognized, is where land holders lose their entire land for a public project, the scheme provides for compassionate appointment to members of the families of project affected



persons. (Particularly where the law under which the acquisition is made does not provide for market value and solatium, as compensation).

(c) Compassionate appointment can neither be claimed, nor be granted, unless the rules governing the service permit such appointments. Such appointments shall be strictly in accordance with the scheme governing such appointments and against existing vacancies.

(d) Compassionate appointments are permissible only in the case of a dependant member of the family of the employee concerned, that is spouse, son or daughter and not other relatives. Such appointments should be only to posts in the lower category, that is, Classes III and IV posts and the crises cannot be permitted to be converted into a boon by seeking employment in Class I or II posts." (emphasis supplied)

12. In ***State of Himachal Pradesh & another vs. Prakash Chand***, reported in **(2019) 4 SCC 285**, Hon'ble Supreme Court has held that direction to consider application for compassionate appointment of dependents of deceased employee *de hors* policy is impermissible and observed thus:-

9. The High Court has observed that the State should consider cases for appointment on compassionate basis by dealing with the applications submitted by sons, or as the case may be, daughters of the deceased government employees, even though, one member of the family is engaged in the service of the Government or an autonomous Board or Corporation. This direction of the judgment of the High Court virtually amounts to a mandamus to the State Government to disregard the terms which have been stipulated in Para 5(c) of its Policy dated 18-1-1990. The Policy contains a limited exception which is available only to a widow of a deceased employee who seeks compassionate



appointment even though one of the children of the deceased employee is gainfully employed with the State. The basis for this exception is to deal with cases where the widow is not being supported financially by her children.

10. In the exercise of judicial review under Article 226 of the Constitution, it was not open to the High Court to rewrite the terms of the Policy. It is well settled that compassionate appointment is not a matter of right, but must be governed by the terms on which the State lays down the policy of offering employment assistance to a member of the family of a deceased government employee. [*Umesh Kumar Nagpal v. State of Haryana* [*Umesh Kumar Nagpal v. State of Haryana*, (1994) 4 SCC 138 : 1994 SCC (L&S) 930] , *SBI v. Kunti Tiwary* [*SBI v. Kunti Tiwary*, (2004) 7 SCC 271 : 2004 SCC (L&S) 943] , *Punjab National Bank v. Ashwini Kumar Taneja* [*Punjab National Bank v. Ashwini Kumar Taneja*, (2004) 7 SCC 265 : 2004 SCC (L&S) 938] , *SBI v. Somvir Singh* [*SBI v. Somvir Singh*, (2007) 4 SCC 778 : (2007) 2 SCC (L&S) 92] , *Mumtaz Yunus Mulani v. State of Maharashtra* [*Mumtaz Yunus Mulani v. State of Maharashtra*, (2008) 11 SCC 384 : (2008) 2 SCC (L&S) 1077] , *Union of India v. Shashank Goswami* [*Union of India v. Shashank Goswami*, (2012) 11 SCC 307 : (2013) 1 SCC (L&S) 51] , *SBI v. Surya Narain Tripathi* [*SBI v. Surya Narain Tripathi*, (2014) 15 SCC 739 : (2015) 3 SCC (L&S) 689] and *Canara Bank v. M. Mahesh Kumar* [*Canara Bank v. M. Mahesh Kumar*, (2015) 7 SCC 412 : (2015) 2 SCC (L&S) 539] .]

11. For the above reasons, we are of the view that the judgment of the High Court is unsustainable. The High Court has virtually rewritten the terms of the Policy and has issued a direction to the State to consider applications which do not fulfil the terms of the Policy. This is impermissible.



13. Compassionate appointment is to be made strictly in accordance with policy framed by Government in this regard and it has to be read and applied as it is. The Division Bench of this Court in *WPS No. 223/2022 (Manish Kurre Vs. State of C.G.)* and connected matters has observed that clause 6A under the consolidated guidelines/ circular cannot be expanded. The challenge made against Clause 6A in *WPS No. 561/2022 (Rachana Darwade vs. State of Chhattisgarh)* as void and inoperative being arbitrary and discriminatory and further prayer, to direct the authority to reconsider the case of petitioner for compassionate appointment was rejected by the Division Bench of this Court vide order dated 06.09.2022. The writ petition was dismissed.
14. In the given facts of the case, decisions of Hon'ble Supreme Court as also order passed by Division Bench of this Court in *Rachana Darwade (supra)*, I am of the considered view that Respondent No.3 has not committed any illegality in rejecting application of petitioner for grant of compassionate appointment recording that petitioner is not entitled in terms of proviso to Clause 6 (1) of circular dated 11.04.2018 as his brother is already in government employment.
15. For the foregoing, I do not find any good ground to interfere with the order impugned passed by Respondent No. 3 rejecting the claim of petitioner for grant of compassionate appointment.
16. Writ petition being devoid of any substance, the same is liable to be and is hereby dismissed at admission stage. No order as to costs.

Sd/-

(Parth Prateem Sahu)

Judge